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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Amended Accusation
11 Against:

Case No. 2010-81

AMENDED ACCUSATION

12 **SASSANEH CHIEKSULAIMANI**
13 1380 Oak Creek Drive
Apt. 319
14 Palo Alto, CA 94304

15 Registered Nursing License No. 609890

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN, (Complainant) brings this Amended Accusation solely
21 in her official capacity as the Interim Executive Officer of the Board of Registered Nursing,
22 Department of Consumer Affairs.

23 2. On or about November 25, 2002, the Board of Registered Nursing issued Registered
24 Nursing License Number 609890 to Sassaneh Chieksulaimani (Respondent). The Registered
25 Nursing License was in full force and effect at all times relevant to the charges brought herein and
26 will expire on September 30, 2010, unless renewed.
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1
2 JURISDICTION

3 3. This Amended Accusation is brought before the Board of Registered Nursing
4 (Board), Department of Consumer Affairs, under the authority of the following laws. All section
5 references are to the Business and Professions Code unless otherwise indicated.
6

7 STATUTORY PROVISIONS

8 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,
9 that the Board may discipline any licensee, including a licensee holding a temporary or an
10 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
11 Nursing Practice Act.

12 5. Section 2761 of the Code states:

13 "The board may take disciplinary action against a certified or licensed nurse or deny an
14 application for a certificate or license for any of the following:

15 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

16 ...

17 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
18 functions, and duties of a registered nurse, in which event the record of the conviction shall be
19 conclusive evidence thereof."

20 ...

21 6. Section 2762 of the Code states:

22 "In addition to other acts constituting unprofessional conduct within the meaning of this
23 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
24 chapter to do any of the following:

25 ...

26 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
27 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
28 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to

1 himself or herself, any other person, or the public or to the extent that such use impairs his or her
2 ability to conduct with safety to the public the practice authorized by his or her license.

3 “(c) Be convicted of a criminal offense involving the prescription, consumption, or
4 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
5 or the possession of, or falsification of a record pertaining to, the substances described in
6 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
7 thereof.”

8
9 7. Section 490 of the Code provides, in pertinent part, that a board may suspend or
10 revoke a license on the ground that the licensee has been convicted of a crime substantially
11 related to the qualifications, functions, or duties of the business or profession for which the
12 license was issued.

13 8. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
14 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
15 licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the
16 Code, the Board may renew an expired license at any time within eight years after the expiration.

17 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
18 administrative law judge to direct a licensee found to have committed a violation or violations of
19 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
20 enforcement of the case.

21 CAUSE FOR DISCIPLINE
22 (CRIMINAL CONVICTIONS)

23 10. Respondent is subject to disciplinary action under sections 2761(f), and/or 490 in that
24 on or about August 4, 2008, in a criminal proceeding entitled *The People of the State of*
25 *California v. Sassaneh Chieksulaimani* in Santa Clara Superior Court, Case Number BB727781,
26 Respondent was convicted by her plea of nolo contendere of violating Vehicle Code section
27 23103(a) (reckless driving). Respondent was sentenced to probation for two years, and ordered to
28 pay fines in the amount of \$787.50.

11. Respondent is further subject to disciplinary action under sections 2761(f), 2762(b), 2762(c), and/or 490 in that on or about January 23, 2009, in a criminal proceeding entitled *The People of the State of California v. Sassaneh Chieksulaimani* in Santa Clara Superior Court, Case Number BB837544, Respondent was convicted by her plea of nolo contendere of violating Vehicle Code section 23152(a) (driving while under the influence of alcohol). Respondent was sentenced to probation for two years, and ordered to pay fines in the amount of \$1,255.00.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nursing License Number 609890, issued to Sassaneh Chieksulaimani.

2. Ordering Sassaneh Chieksulaimani to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED:

8/28/09

Louise R. Bailey
LOUISE R. BAILEY, M.Ed., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SF2009404012